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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

**-oOo-**

UNITED STATES OF AMERICA,	)	Case No. 2:16 CR 350 KJD-NJK
	)	
Plaintiff,	)	Stipulation Pursuant to 18 USC §
	)	4241(d) for the Placement of the
vs.	)	Defendant in a facility
	)	
MIRKO ZEPPELLINI,	)	
	)	
Defendant.	)	

IT IS HEREBY STIPULATED AND AGREED, by and between  
STEVEN W. MYHRE, Acting United States Attorney, and KILBY MACFADDEN,  
Assistant United States Attorney, counsel for the United States of America, and  
BRIAN PUGH, counsel for Defendant MIRKO ZEPPELLINI that the Court should  
commit Defendant to the custody to the Attorney General under 18 U.S.C. §  
4241(d)(1).

This stipulation is entered into for the following reasons:

- 1           1.     On February 17, 2017, the Court ordered a mental competency  
2                     evaluation for the Defendant pursuant to 18 U.S.C. §§ 4241 and 4242.  
3                     ECF No. 23.
- 4           2.     Cynthia A. Low, Ph.D, evaluated Defendant at the Federal Detention  
5                     Center, SeaTac, Washington and issued an April 28, 2017 Forensic  
6                     Evaluation that opined that Defendant is incompetent to stand trial.
- 7           3.     On May 8, 2017, the Court held a hearing regarding the Defendant's  
8                     competency. The Court made statements and heard the  
9                     representations of counsel as to the April 28, 2017 Forensic Evaluation  
10                    and Defendant's competency to stand trial in this case.
- 11          4.     During the hearing, the Court found by a preponderance of the  
12                    evidence that the Defendant is incompetent to stand trial. The parties  
13                    are in agreement that that the preponderance of the evidence standard  
14                    was met, and that Defendant is "presently suffering from a mental  
15                    disease or defect rendering him mentally incompetent to the extent  
16                    that he is unable to understand the nature and consequences of the  
17                    proceedings against him or to assist properly in his defense" 18 U.S.C.  
18                    § 4241(d).
- 19          5.     Under 18 U.S.C. § 4241(d)(1), the parties stipulate that the Court shall  
20                    commit Defendant to the custody of the Attorney General for such a  
21                    reasonable period of time, not to exceed four months, as is necessary to  
22                    determine whether there is a substantial probability that in the  
23                    determine whether there is a substantial probability that in the  
24

foreseeable future he will attain the capacity to permit the proceedings  
to go forward.

DATED this 10th day of May, 2017.

Respectfully submitted,  
STEVEN W. MYHRE  
Acting United States Attorney

*//s/ Brian Pugh*  
BRIAN PUGH  
Counsel for Defendant  
MIRKO ZEPPELLINI

*//s/ Kilby Macfadden*  
KILBY MACFADDEN  
Assistant United States Attorney

THE HONORABLE NANCY J. KOPPE  
UNITED STATES MAGISTRATE JUDGE